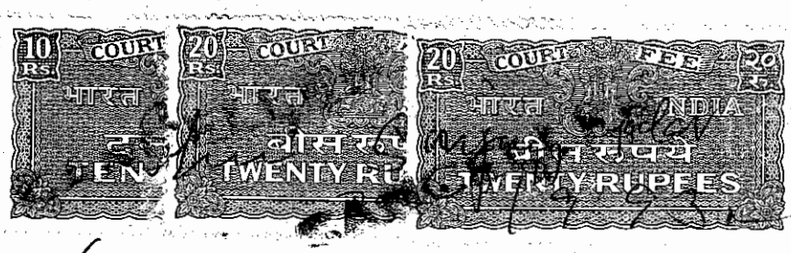

Division Bench (Civil)

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

MISC.PETITION NO. 3967 OF 1993.

PETITIONER: 1. Nagar Nigam Samastha Karmachari Sangh, Bilaspur, through its Mahamantri Kashi Prasad Karosiya, Municipal Corporation Bilaspur.

2. Laxman S/o Baran, Asst. Mali, Municipal Corporation, Bilaspur.

- Versus -

RESPONDENTS: 1. Municipal Corporation Bilaspur through its Administrator.

2. Commissioner, Municipal Corporation, Bilaspur.

3. Director, City Administration, Madhya Pradesh, Bhopal

4. State of Madhya Pradesh through its Secretary local self government, Bhopal.

25/9/93
Sanjay Yadav
Advocate

R. & P. R.
Dt. 25/9/93

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR A WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND FOR NECESSARY DIRECTIONS :

(31)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 3967 of 1993

Petitioners : Nagar Nigam Samasth Karmachari Sangh Bilaspur & another

Versus

Respondent : Municipal Corporation Bilaspur & others

Shri Ram Kumar Tiwari, Advocate for the petitioners.
Shri A.S. Kachawaha, counsel for the respondents No. 1 and 2.
Shri V.V.S. Moorthy, Deputy Advocate General with Shri Ajay Dwivedi, Panel lawyer for the respondent No. 4.

ORAL ORDER

(31st July, 2006)

1. The present petition filed by the petitioners, who were appointed 14 to 3 years back on daily wages basis on different posts of Class-IV by the respondents/Corporation. The petitioners seek regularization of their services and further alternatively grant of regular pay-scale.
2. The petitioners were appointed on daily wages basis not as per the constitutional scheme of employment and in accordance with law. There was no public advertisement inviting applications for suitable candidates. The appointments were made on the basis of direct applications from the petitioners.
3. The respondents/State, by letter dated 9.11.1999, has directed all the Municipal Corporations to appoint employees on daily wages basis only in case of urgency and that too with prior permission of the State Government. No right accrued in favour of the

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within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularsing or making permanent, those not duly appointed as per the constitutional scheme."

5. In view of the dictum laid down by Hon'ble the Supreme Court in the above judgment and order, I do not find any merit in this petition. The petition is dismissed. However, the respondents/Corporation are directed to consider the cases of the petitioners as per direction of Hon'ble the Supreme Court, as stated above, as one-time measure, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu